

Portraits of Dowry Violence

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Introduction

Dowry is the most common social evil that causes crimes against women in India. Dowry is anything given in cash or kind to the son-in-law and to his parents before, during, or, after the marriage. If unfulfilled, it may lead to harassment or pressures on the bride and her family. Dowry does not merely mean what is given at the time of marriage. It often includes the enormous expenses incurred on travel, entertainment of the bridegroom's party, and the conduct of public ceremony. In the first few years of marriage, the bride's treatment in her husband's house depends on how much she was given and how much she is expected to bring. Thus, dowry is not an isolated payment but an array of gifts given over a time. But, what is more important is what is given at the time of marriage, which constitutes the major portion of dowry. The education, economic independence and self esteem of the girl are given secondary importance.¹

Dowry Is Raising The Status Of Women

Dowry has been referred to as a social cancer, a cruel custom and an insult to the dignity of women.² The practice of dowry has been generally accepted as a social custom and a social problem for those who cannot pay dowry. In recent years, it has become more complex. In the process a large number of innocent girls have suffered from, atrocities, humiliation, continued harassment, stress and strains. The cases of girls committing suicide and bride-burning are the extreme forms of this social problem. It is not only socio-psychological but also economic in nature. It has also a status symbol and has socio-legal aspects. It may be observed that in the matter of demanding and giving dowry, women themselves play a predominant role.³

Dowry problem which aroused as one of the biggest problem to the women community is expanding from the Indian historical traditional context to the today's technological context. The women dowry deaths problem is not simply social exclusion or re-exclusion; it is permanent exclusion from enjoying the right to life. It has been crystallized in our society and, despite

legislation, cases of dowry harassment and dowry deaths are increasing every year. There are horrific reports of fathers selling kidneys to cover dowry payments, or collective suicides in families with multiple daughters.

Although the dowry was legally prohibited in India in 1961, it continues to be highly institutionalized. The practice of dowry abuse is rising in India. The most severe is the 'bride burning', the burning of women whose dowries were not considered sufficient by their husband or in-laws. Most of these incidents are reported as accidental burns in the kitchen or are disguised as suicide. It is evident that there exist deep rooted prejudices against women in India. Though prohibited by law in 1961, the extraction of dowry from the bride's family prior to marriage still occurs. When the dowry amount is not considered sufficient or is not forthcoming, the bride is often harassed, abused and burnt down.⁴

Historical Background Of Dowry

During the Vedic period, in many cases, men and women enjoyed equal opportunities in education and work. In the post-Vedic period, this view was totally distorted and broken, and replaced by the patriarchal domination ideology which gave authority to the husband over the wife. Thus, segregation came into existence. The woman was usually viewed and accepted as a daughter, a wife and a mother. Her role and position were subordinated to the male in the family as well as in the society. This had its sanction from Manu. The system of Kanyadaan was probably the outcome of this dominant Brahminical patriarchal ideology.

Classical literature is full of instances of Kanyadaan among the upper castes and the propertied classes who transferred not only daughters but also movable as well as immovable properties. The dakshina given to the bridegroom was prescribed by the Shastrakaras. The quantum however depended on one's social status and wealth. In fact, the main idea behind the Streedhan was to provide her economic security to meet any unforeseen eventuality in her life, like death of her husband or desertion. Yet another idea was to make the couple lead a happy and comfortable life without facing any problem.⁵

The custom of Kanyadaan (giving the daughter in marriage) followed by varadakshina (gift to the bridegroom at time of marriage) may have given rise to dowry. It is in the Rig Veda that one comes across the concept of Kanyadaan. It was a custom in ancient times to give

dakshina (obligatory gifts) after any type of daan (voluntary gifts), hence the tradition of varadakshina following Kanyadaan. It is said that Rishi Karav gave a number of gifts to his daughter, Shakuntala, when she married King Dushyant. It can be surmised that, since child marriages was the norm in ancient India, the parents may have given numerous gifts to the girl child as she left her maternal home. However, dowry, as it now exists, involves the extraction of cash and material goods from the bride's parents by the groom and his family.

This social malady has spread through the spectrum of society crossing religious and economic boundaries. Moreover, dowry demands are made not only prior to the wedding, but also for years thereafter, for example, at the time of festivals and the birth of children. Demands for dowry have been camouflaged after the passing of the Dowry Prohibition Act, 1961, and its amendment in 1984. In few cases, demands are made hours before the wedding and there have been instances when the bride's family has cancelled the wedding.⁶

Impact Of Dowry

The evil effects of dowry are many. This system affect not only individuals especially women and their parents but family, society and nation as well. This system affect mainly the middle classes and poor sections of the society who wish to get their daughters married. Parents from lower strata in order to see that their daughters are wedded to desirable men, seek to get money from other sources by some means or the other. This creates indebtedness among them which becomes a social stigma, if they are unable to repay the debts. Usually, after marriage the in-laws and husbands force the women to get more money from their parents in order to fulfill their monstrous needs and requirements. When they fail to get the money demanded by their husbands, the latter fail to get the money demanded by their husbands, the latter harass the former. This results in depression and frustration and mental agony which drive the women to commit suicide. It lowers the prestige and status of women in the society. What is distressing to be noted in human relations is that it has replaced the harmonious relationship between husband and wife, the warmth and affection and love are ruled by the factor of money. In the majority of cases money binds the husband and wife together.⁷

Dowry Harassment And Bride Burning

Dowry harassment and deaths are indicators of the low status of women in India, it is an all pervasive, deep-rooted and age old custom. In India, dowry has been a persistent problem. It has deeply demoralized the position of women in the society, lowered her prestige and dignity, much more than any other social phenomenon in India. The woman has now become a commodity to be sold and bought in the marriage market. She has been reduced to a mere saleable commodity.⁸ Dowry is a transfer of property from the bride's family to that of the bridegroom, at the time of marriage. According to the present practice, dowry usually subsumes material gifts and cash paid to the bridegroom and his kin.⁹ This practice continues even after marriage. The dowry given at the time of marriage is not the only transaction as far as the daughters' marriage is concerned. There is a series of ceremonies associated with the girls in the family. The practice of giving gifts to the husband's family in cash and kind and rituals connected with pregnancy, childbirth and ceremonies for piercing the ear of the girl and so on. The gifts are no longer a token of affection from parents to the daughter, but instead an elaborate demand from the marital family.

The commonest elements of dowry in India include gifts for the bride such as clothes, jewels and other house-hold and luxury goods like a refrigerator and kitchen utensils and so on. These are ideally treated as the bride's streedan and form the nucleus of the conjugal estate. Dowry also includes gifts for the son-in-law and other luxury items like scooter or car, and such other gifts for the bridegrooms' parents and other relatives. It includes hard cash paid as contribution towards the marriage expenses. In some cases, dowry is also paid as compensation for the expenditure incurred on the education and other training of the groom. Further, besides the gifts offered to the bridegroom, the bride's parents have to bear the marriage expenses, spend money in such a way that befits their social and economic status. Dowry, given at the time of the daughter's marriage, has influenced the status of women.¹⁰

Dowry Deaths In India

Most of the young women in India had lost their lives on the pyre of their husbands in the name of 'Sati'. The modern 'dowry deaths' replaced ancient sati pyre. Dowry deaths are the deaths caused young women, where the women is murdered or forced to commit suicide by

continuous harassment for more dowry by her husband and in-laws.¹ Dowry deaths are increasing day by day despite stringent laws, police action and social movements. These deaths seem to be a 'city-phenomenon'. The reasons for this phenomenon may be due to growing commercialization of living standards, developing new appetites for luxurious consumer goods, rise in cost of living and a tendency to improve their social status in competition with other prosperous communities and families. This trend illustrates the position and place of women in the society.¹¹

Dowry death is considered as one of the many categories of violence against women. The data are drawn from statistics published by the National Crime Bureau of the Government of India, which reports about 6,000 dowry deaths from many parts of India every year. But, the reality is worst than what is showed in records.¹²

Dowry Prohibition Act, 1961

To prohibit the giving or taking of dowry, an act namely Dowry Prohibition Act was passed in 1961, and it was amended in 1984 to make the offence cognizable, to enhance the penalty of both fine and imprisonment was enacted by Parliament in the twelfth year of the Republic of India. It was again amended in 1986. The object of this bill was to prohibit the evil practice of giving or taking dowry.¹³ It protects women against dowry exploitations. Dowry or gifts of valuables were given to women at the time of marriage as a "protective measure". Dowry has inevitable part of marriage. It has become a "menace to society often compelling girls to commit suicide". This appealing evil was legally prohibited in 1961 by Dowry Prohibition Act. According to Encyclopaedia of Social Work in India, "Dowry refers to the movable and immovable property that a bride brings with her at the time of marriage to her husband often on their explicit and occasionally on their implicit demands".¹⁴

Dowry has been defined in Section 2 of the Dowry Prohibition Act, 1961 (28 of 1961) in the following words: 'Dowry' means any property or valuable security given or agreed to be given either directly or indirectly; a) by one party to a marriage to the other party to the marriage; or b) by the parents of either party to a marriage or by any other person to either party to the marriage or to any other person.¹⁵ c) Penalty for giving or taking dowry – a) If any person, after the commencement of this Act, gives or takes or abets the giving or taking of dowry, he shall be

punishable with imprisonment for a term which shall not be less than five years, and with the fine shall not be less than fifteen thousand rupees or the amount of the value of such dowry.

d) Penalty for demanding dowry – a) If any person demands directly or indirectly, from the parents or other relatives or guardian of a bride or bridegroom as the case may be, any dowry, he shall be punishable with imprisonment for a term which shall not be less than six months but which may extend to two years and with fine which may extend to ten thousand rupees.¹⁶

Dowry Prohibition (Amendment) Act, 1984

The dowry problem had drawn the attention of social thinkers, reformers and legal men only in the beginning of 20th century. The result of their struggles is the enactment of Dowry Prohibition Act of 1961 and this legislation came into force from 1st July 1961. The Dowry Prohibition Act 1961 was amended in 1984, 1986. Dowry deaths constitute a special category of death that was for the first time defined in a section introduced into the Indian Penal Code (IPC).¹⁷

A new Section 304 (B) has been inserted vide Section 10 of Act No. 43 of 1986, with effect from 19.11.1986 and runs as follows: a) Where the death of a woman is caused by any burns or bodily injury or occurs otherwise than under normal circumstances within seven years of marriage and it is shown that soon before her death, she was subjected to cruelty or harassment by her husband or any relative of her husband for, or in connection with any demand for dowry, such death shall be called 'dowry death'. B) Whoever commits dowry deaths shall be punished with imprisonment for a term which shall not be less than seven years but which may extend to imprisonment for life. The offence is cognizable, non-bailable and triable by a Court of Sessions.¹⁸

Three years prior to this, Section 498(A) was introduced in the IPC. This states that 'any form of cruelty, whether it is from a husband or the relative of a husband, to a woman is an offence that is punishable with imprisonment up to three years and shall also be liable to fine'. Cruelty, as defined in this section, includes 'any willful conduct that could cause mental torture, physical injury, or drive the woman to commit suicide, whether in connection with any unlawful demand for property or not'.¹⁹

The rapid growth of dowry system urged the Government and the social service organizations. In Madras, the social service organizations and other organizations took the cause of dowry problem and insisted the government to take preventive measures either by legislation or by applying the administrative agencies. During 1960s and later it became a national problem and the Government of India passed the Dowry Prohibition Act in 1961 by which demanding dowry was illegal and punishable. In addition to legislation, the Government agencies are instructed to take drastic measures against dowry system.

Since 1961 the media took special concentration for the suppression of dowry system. The Newspapers and Journals indicated the society about the dangers of dowry by illustrating the day to day happenings of the dowry killings and tortures. The Radio and Television took special attention to broadcast stories and dramas on the theme of dowry matters and its problems. During 1980s a number of meetings and processions were conducted in different parts of Tamil Nadu and other states by social reformers and social welfare agencies. The social reforms took steps to abolish dowry system and it promotes the welfare of women.²⁰

Conclusion

Dowry is illegal in India but dowry system is in practice and it's deep-rooted in the culture of the country. Though acts were passed by the Government to eradicate dowry in the letters of law but the attitude of the people didn't change their outlook and lifestyle. But the law had reduced the dowry death and some women are using the law to threaten their husband and in-laws, today, while some dowry deaths are not reported, so the people should have the spirit to change the letter of law to action in correct perspectives.

Laws alone cannot be sufficient to eradicate or minimize social evils and bring any change in the society. More than the laws, it is the active cooperation and willful participation of various voluntary organizations and constant public vigil which if joined hands with the legal machinery and enforcement machinery will bring tangible results and positive changes. Most of them feel that the problem of dowry can be solved by refusing to take or give dowry and this is the best solution. Unless people themselves stop the practice, law cannot put an end to it. The practice of dowry taking is a long establisher tradition which will die only when social conditions and social values change.

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